

© 1990 by Allen

© 2012 by *Bible.org*

卷之三

[View all posts](#) | [View all categories](#)

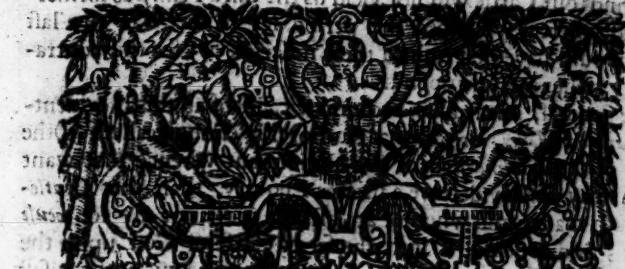
*Journal of Health Politics, Policy and Law*

400 )  
Ms. 9 Dickens :  
Or, some  
**REFLECTIONS**  
upon a  
**DISCOURSE**  
Given by Mr. Boole recently  
at Cambridge.  
Some Reflections upon the  
Nature of Logic.

UNIVERSITY  
LIBRARY  
CAMBRIDGE

1870:15

Longman, Green, and Co.



SIR,

**T**Remember the last time I had the happiness to see you, you told me of a Pamphlet, called, *Omnia a Belo comepta*, which since I have seen, and having diligently perused it, I must confess, I like not much in it, more than the general scope of it, which seemeth to be generous and honest, aiming at a discovery of the Causes of the present general Consumption (as he well enough calls it) of our Body Politick.

That *England* ( from its clearly look which it had 1660. upon his Majesties restauration ) is suddenly fallen into such a *consumption* as he speaks of, is too too sadly apparent, besides the *consumption* of our flesh; by the immediate hand of God in a *deadly Plague* ( beyond what hath been known amongst us in many ages ) and more mediately by a *destructive War*, which hath slain its *tens thousands*, there is an evident *consumption* in our *Purses* and *Estate*. How few are our *Gentlemen*, not deeply engaged in debt, and every day encreasing it? not can it be otherwise, the *Countryman* is he who filleth their *Purses* by regular payment of their *Rents*: he can sell neither *Corn* nor *Cattle*. The *Tradeſman* that should buy what he hath, shuts up his *Shop*, or tradeth very low, and keeps *House* accordingly: The *Merchant* cannot supply him with *Money*. The *Countryman* bath no price for his *Corn*, nor yet much *Corn*; and we in the *North*, as well as they in the

A 3

Wgt

UNIVERSITY  
LIBRARY  
CAMBRIDGE

100 )  
A 4 Dickens :  
RELECTIONS  
OF LOME  
DICKENS

CONTINUATION  
OF THE HISTORY OF MARY H.

ABOUT THE EDUCATION OF THE WEST.

UNIVERSITY  
LIBRARY  
CAMBRIDGE

1076:15

YOUNG LIBRARY 1887



SIR,

**T**Remember the last time I had the happiness to see you, you told me of a Pamphlet, called, *Oenia a Belo cometæ*, which since I have seen, and having diligently perused it, I must confess, I like not much in it, more than the general scope of it, which setteth to be generous and honest, aiming at a discovery of the Causes of the present general Consumption (as he well enough calls it) of our Body Politick.

That England (from its clearly look which it had 1660. upon his Majesties restauration) is suddenly fallen into such a consumption as he speaks of, is too too sadly apparent, besides the consumption of our flesh; by the immediate hand of God in a dreadful Plague (beyond what hath been known amongst us in many ages), and more mediately by a destructive War, which hath slain its ten thousands, there is an evident consumption in our Purse and Estates. How few are our Gentlemen, not deeply engaged in debt, and every day encreasng it? nor can it be otherwise, the Countryman is he who filleth their Purse by regular payment of their Rents: he can sell neither Corn nor Cattle. The Tradesman that should buy what he hath, shuts up his Shop, or tradeth very low, and keeps House accordingly: The Merchant cannot supply him with Money. The Countryman hath no price for his Corn, nor yet much Corn; and we in the North, as well as they in the West

Weft, find our Cattle will not yield us the third Penny as formerly : and whereas we hoped the period set to the War the last year, would have determined these miseries, we see the contrary, they rather increase upon us.

The general, immediate, proximate cause of all this, is evidently a want of Money, or (as that Author fitly enough calleth it) the decay of the Trading-stock of the Nation, but whence that want ariseth may possibly deserve a stricter Enquiry, than that Gentleman hath made, and whether at last we must not fly to occult Causes ; and conclude it into the secret Curse of God upon the Nation for its sins : working in a way, which the wit of the wisest man cannot discover, I do confess my self to be in some doubt. However, I shall give you my Animadversions, upon what that Author hath said ; and possibly add something by way of supplement of my own thoughts in this great affair ; If I shall not hit the mark, yet it shall be said,

Magnis tamen excidit ausis

I lay down this for my Principle.

That next to our return, and reconciliation to God, the foundation of our Political prosperity lies in our preserving and augmenting of the Trading-stock in the Nation. Here I agree with the aforesaid Author, and add, That Stock by which the great Trades of the Nation, which are the Manufactures from our Wool, are maintained.

We are beholden to the Nobility and Gentry of the Nation. The Government is in their hands, and they help to spend imported goods : The Clergy Preach and perform Religious Offices to the inhabitants of the Nation ; but the Nation augments not its riches, either by the one or other of these. They bring in nothing, they prepare nothing for the Merchant to exchange to advantage : this the Tradesman doth chiefly, and that not every Tradesman, but those concerned in Woollen Manufactures principally. The Countryman hath his share ; as he provideth Corn for Transportation, besides what serves the necessities of his Country : But it is (comparatively with the Tradesman) little wherewith he serveth the Merchant. It is the Merchant and the Tradesman who dealeth in those great Trades, that must augment our Trading-stock.

This

This Trading-stock being the *Life-blood* of our *body Politick*, if it doth appear, *That it hath been, or is unduly exhausted*: or, *that it is not proportionably augmented*, to the *want* of it; which (in the use) cannot be avoided: Or if the *Circulation* of it be *considerably impeded and stopped*. Or *that it be diverted* into some particular *Veins*, where the circulation doth not so well conduce to the maintaining, and nourishment of the whole body, or not of the *more noble and principal parts*, upon which the life of the body dependeth; I say, in any of these cases such a consumption must necessarily follow in the Body Politick, as would follow in the *Natural Body*, supposing the like causes. And whosoever shall be found, either so *unduly exhausting* it, or *bindinger the augmentation of it*, or *stopping the circulation of it*, or *diverting the circulation from those parts upon the maintaining of which our life depends*, will (in all probability) be found unlucky causes of our misery in this particular.

1. As to the First, It is most certain, that our Trading-Sock of Money is *in the number of finite Beings*, and may be *exhausted* and drawn out from us: and as if you draw out blood from the body natural faster than the Liver or other sanguifying parts supply, the body must waste: so we must consume if our Trading-stock be drawn out beyond the proportions we are supplied with. But as in the *Natural Body*, that blood is not exhausted, which is but passed into another channel within the body; so neither in the *Body Politick* is that stock exhausted, which yet remains within the Seas, though possibly not in the same hands, as before times. But if our Money be in *specie*, carried out beyond the yearly proportions in which it is brought in, this is exhausted whatever commodities be returned for it.

I do know this is severely Cautioned by the Laws of England, but yet I am sure our Neighbours of the *Low Countries* have thus drained away our *Gold*, to which our Neighbours have contributed, by letting a value upon that Metal above what we set, and the covetous humour of too many Englishmen have made us a prey to this bait,

Nor am I certain, that very much Silver is not every year thus lost to us, it might be worthy of our Statists enquiry, *Whether many Commodities in other Countreys may not be had upon far better terms for English Coin, than for wares*: If they may (of which I am morally

morally certain) they may be assured we have those will venture to carry over Silver; and if this be practised, and we have not considerable incomes of Coin to ballance it, we must quickly be poor enough.

To cure us therefore so far as our misery springs from this first cause, may it not be humbly proposed to the Great Councils of the Nation, to deliberate whether it may not be worthy of their advice: Whether it were not fit, a new Law should be given to those ancient and wise Acts of our fore-fathers restraining the Exchange of Gold for Silver, at a greater rate, than by the Kings Proclamation shall be limited, or the melting of Gold and Silver into Plate, or carrying any beyond the Seas upon any pretence; and for taking Caution of Merchants Strangers, that they shall not do it: and further, Whether it might be prejudicial for the Council to set a price of Gold in England from time to time, answering the Dutch Market, and whether we might not out-wit, or counter-wit our Neighbours by finding out a way, to afford Commodities for Silver at better rates than upon ordinary exchanges.

2. But although I think this one cause, yet I profess I judge it the least cause of the diminution of our Trading-stock: to proceed then: As in the body natural, there is a daily necessary waste of blood and Spirits which must be daily supplied, or the body perish; So our Trading-stock cannot be used without some daily waste and loss, which requireth a daily repair, or else we shall that way by degrees be exhausted. Our fore-fathers were aware of this, which caused our Mint, which though it differed from a Mine for Coin, yet had the nature of a Mill, and paid us Toll of Gold and Silver sent to us to be Minted: What Grist of late hath been brought to our Mill, I cannot tell, I presume not in proportion as formerly. If this faileth, some equivalent course must be taken, or we shall decay. And possibly, if we could make forreign Merchants, trading with Dollars, better gainers than trading with Wines, Silks, &c. or if we could restrain the making or using of Gold or Silver Thread at home, and buy all we use from abroad, it might by degrees do something as to this. For besides the necessary waste made in the daily use of our Trading-stock which is unavoidable, possibly it will be found upon enquiry, that within these seven years, there hath been a great needless waste made. 1. By excessive use of Silver Thread, and that

of gold, for cloths or lace. 2. By an excess of Silver-plate. The former, though it may appear of minute consideration, yet possibly it is not so; and I am sure in a Parliamentary Convention in the late disturbed times, a Bill for restraint of making such *Bread and Lace* in England was judged not unworthy of their deliberation. For the latter, besides that we may find former Parliaments by their Acts restrained melting of Coin into Plate, he who shall consider with himself how much the Plate of the Nation hath within seven years last been increased, must needs know, that many hundred thousand pounds of Coin is taken out of the Trading-stock, and so disposed; for I doubt we have not had *Ore* enough come over to make it. And doubtless this must be assigned as one cause, why during our Civil Wars, there was never such a want of mony found in the *Trading-stock* as now, though great Armies were paid, &c. because the melting down of so much Plate into Coin prepared the Nation to lend so much out of its moving Stock. But neither is this the whole cause, nor indeed any at all, if it appear to our State that there hath been a proportionable quantity of Silver or Gold brought in, for what hath thus been taken out.

3. I am therefore apt to think, *That the great cause is some error in the circulation of our Stock*. If we could suppose that the natural body had no blood exhausted, nor any spirits or blood wasted, but have within it a due Stock for its uses; yet if it keeps not its due course and circulation, conveying spirits and nourishment to the several parts of the body; or if we could imagine an undue and irregular circulation, so that the principal parts should be abridged of their due proportion, or not served with it in due time, a consumption of the whole or in part must necessarily follow. It is just so in the body Politick. *Mony* is the life of it, (that mony which runs in trade I mean) and especially that which runs in upholding the main and principal trades of the Nation.

Now this Body must needs consume,

1. If either the circulation of the trading Stock be stopt: Or,
2. If the motion of it be irregular, so as it serveth not the principal Trades of the Nation: Or,
3. Though at last it serveth them, if it doth not do it in a due time..

And

*403*) And whatsoever or whosoever are the cause of any of these, doubtless are no mean causes of our great evil.

1. I say, first, if the *Circulation of the Trading-stock be stopt*, that if any considerable sums of mony, used to move and walk in trading, are laid by to *look on*, or as a provision for an evil time, which they fear, &c. But in good truth I think these are very few in *England*, (it may be a few old women) or some who understand the severity of former or some late Laws, and may prophetic evil to themselves. The *User* must not be counted into this number, his mony walks, though upon other legs, either serving the *Tradesman* or the *Gentleman*, for preparing commodities to export, or to buy up what is imported for his expences.

2. I am apt to believe the *irregular motion and circulation of our Trading-stock to be our greatest evil*. To judge of which we must consider what the *Principal Members* of our *Body Politick* are, though not as to *Honour, Rule and Dignity*, yet (which is our concern in this discourse) as to *action and improvement of our Trading-stock* for publick good. These without question are the *Merchant* and the *Tradesman*: these are they who make and prepare, and then transport and exchange our commodities; whether they come from our Minerals, as *Lead, Iron*; or from our Field, as *Corn and Cattle*; especially from our Sheep, which are *Englands Mines and Golden-fleeces*. Our *Metalls* and *Corn* are not comparable to our *Cloaths, and Stuffs, and Stockings* of all sorts. Our *Corn* is more uncertain, and depends not only on a good Harvest here, but an ill one in other parts; which when it happens, it is often made up by a plenty from the *East Country*. So that in truth, to make mony plentiful in *England*, the *Seas* must be open for the *Merchant* always, and he must have mony to supply the *Tradesman*, who needs it to pay his inferiour servants, and work-men, and women; who when they have it, freely part with it, to the *Country-man* for *Corn*, to the *Butcher* for *Meat, &c.* the *Butcher* returns it to the *Country-man*, he to the *Gentleman*, and the *Grocers, &c.* The *Gentleman* to such as immediately deal with the *Merchant*, who returns it to the *Merchant* again. Let the circulation of Mony be never so quick, if it be not in these principal veins, the riches of the Nation must and will consume.

Yea, and if we ever grow rich, the Trading-stock must return in time too. It is true here, *While the grass grows, the steed starves.* A slow return of a Trading-stock beggars us apace: this they will easily understand, who know how many there are in England, who meerly live upon Time gained in buying and selling, betwixt the thing bought and paid for. These, if the pulse of the return of the Trading-stock beats unevenly, are immediately undone, and they seldom fall alone. I do therefore conceive that in order to the preservation and augmentation of the Trading-stock, it is worth the enquiry,

1. Whether we have not a greater excess of some kind of forreign commodities brought in than in former times, which if neither in whole nor part brought with corn in specie, yet are not bought with such commodities from England, as are the main and staple commodities, upon the making and vending of which England most liveth. And whether by some by-trading and expence of mony, the Trading-stock be not, though not imbezzled, nor wholly hindred from circulation, yet so hindred in the true and noble circulation of it, that it comes not in time to relieve the better trading part of the Nation, and so to carry on our main work.

Now, Sir, having laid this foundation of discourse, let me examine what of the aforementioned discourse in the Letter from the North to the West, is applicable to it.

That Author layeth all to the charge of the *Archbishops, Bishops, Deans and Chapters,* with the several *Officials and Officers* belonging to their *Courts and Cathedrals;* he counts up their number, and values their bread, how much probably they must have to live upon: he rates their standing revenues, and guesseth at the annual sums of their *Perquisites and Fees.* He reckons their number 10000, their revenue 450000 per annum, he counts 200000 per annum as little as can maintain them. Besides this, he tells us they get infinite sums yearly by *Ordinations, Institutions, and Inductions,* giving *Oaths,* granting *Licences, Absolutions, Commutations of Penance, Visitations.* He remembers what great sums they got by Fines at their *Restorations.* Much of this is doubtless true, (whether their standing Revenues be so much or no, I know not.) But yet I must protest, I do not think he hath hit the mark. That they do help to impoverish the Nation, by prejudicing the Trading-stock, I do believe, but how, may

B deserve

deserve a stricter enquiry than he hath made.

Upon the principles of the preceding discourse, if they hinder at all, it must be either by ~~exhausting~~ the Stock, or unnecessary waste of it, or by stopping, or diverting, or retarding the due circulation of it.

1. As to the ~~exhausting~~ of it, they cannot, I think, be well charged with it; they carry neither silver nor gold out of the Land.

2. Nor do I think them (in equal degree with others) culpable of the unnecessary waste of it, by excessive quantities of Plate, &c.

It must therefore lie upon the third thing, causing some error in the circulation. Three such errors were assigned,

1. The first was stopping the Circulation of the Stock which we have. This must be by keeping Banks of money dead by them. I know the great advantages the Bishops had upon their first restoring to their Temporalities, by taking Fines, hath given a great occasion to somethus to think; but I must profess my self not to believe it. One of those who had the greatest summes of this nature protested, that what they took was inconsiderable for the expence they had to make by repairing Palaces, Churches, Chapels, Cathedrals, &c. which in the late time were defaced. I have often secretly wished, that our State would put themselves to the trouble of requiring a strict account of all sums so taken, at first, of the annual Revenues of all the Offices, and also of their disbursements (out of their own purses) for such repairs as are pretended, that so it might be known what they were at first, and are still beholding to his Majestie for, and peoples mouthes may be stopp'd.

But to let this pass, (as heterogeneous to our discourse) the sums they at first received were doubtless very great, but suppose them what they can be, indeed they might at first retard the circulation of the Trading stock for a time; but if these summes were not lock'd up in ches and kept in a bank, though the paying of them might for a time clog the wheels of trade, yet how it should waste the Trading stock I cannot tell. These summes were again paid out to Masons, Carpenters, Vintners, Grocers, and are long since from one hand or other paid into the hand of the Merchant. And the like may be said, as to their yearly receipts

ceits. I do not see how circulation (on their parts) could possibly be this way stopt, unless Banks be proved. As for the subordinate Officers, I neither believe they have Banks, nor much Plate. For their Proctors, Registers, Choristers, Vergers, Appanitors, Singers, Goffellers, Epistles, Canons, it were well if they had but good cloathes to their backs, or durst walk without Protections. But yet I do think some of these Officers are a very great cause to stop the circulation of a great part of the Trading-stock; and the Bishops too, as they are the heads to those Courts and Officers who do it. To make this out,

1. It cannot be denied but those Trades which are exercised in the Manufactures of our Wools, are those Trades by which England grows wealthy. The poor employed, the rich Merchant furnished with commodities fit for advantageous Adventures, &c. Others do something, but nothing in comparison of these.

2. It is as demonstrable that throughout all the Nation, East, West, North and South, the richest, most active, industrious, thriving part of these Tradesmen are such persons as are least satisfied in the present Religious performances of the Nation, and such as this age calls Fanatics, most disaffected to the Common Prayer, to the present Clergy, and most devoted to those Ministers that are at present silenced, and so consequently most liable to Ecclesiastical Censures.

3. It is as certain, that generally they are no fools, but understand well enough the danger they are in, being once excommunicated, that their Excommunication (as the Law calls it) shall be pleaded in Bar to them, pursuing their common right in Law for their just debts, and laying them open to *Significavit*, and *Writs De excommunicato capiendo*, and *Capias's* upon them *in infinitum*. They know this, and they have daily preachers to confirm their knowledge; they ever and anon see some or other dragged to Gaol, &c. It is true, the Judges in the Ecclesiastical Courts are too wise either to excommunicate all that are obnoxious, or to sue out Writs against all excommunicated: they know that were the way both to impoverish themselves, and to shew the Nation a necessity of building up new Gaols to receive their prisoners, (for they find that very few committed by their means to prison, are convinced by it of any error.) But the wiser sort of these men understand well enough how much they

lie at their mercie, and that if their Stock be once out in trading, and an *Excommunication* overtake them before it be got in, they shall be barr'd from their native right to recover it. Hence the generality of them either make over their estates, and throw up their trade; or if they do any thing, it is as little as they can, and with so much caution, as suits not the freedom of Trade, and keep in their pockets both the hands that should be at work for the common interest of the Nation: and the mony which they should use. Besides many are already utterly ruined. The Author of *Omnia Comesta, &c.* promiseth a Catalogue of the Families, which were a work worthy of his pains; and though it will be a sad spectacle, yet possibly not unuseful to such as have the steerage of our publick concerns. And possibly it were no despicable counsel for any, to offer to his Majesty to command out of every Diocels a strict account of all persons excommunicated, and consequently disenabled to trade, (unless they have a mind to give away the little they have) then his Majesty would see how many active hands are lamed, and their monies kept from motion for their private necessary occasions, and so turned into a *dead stock*. It is believed that the number of such throughout the Nation is not less then 30 or 40000. It is no hard thing to determine, that the withdrawing of their stocks must needs make a great hole in the *Trading-stock of the Nation*. It was the saying of one, who once was a great Minister of State in this Nation, that *Livy* (the famous Historiographer) observed it *The greatest sedition that ever was in Rome, when the Citizens went about with their hands in their pockets, and would do nothing.* If that observation were true, it is evident who have been and are the greatest causers of it in *England*. Nor is it anything to say these Courts were as high, and more active before 1640, when yet mony was plentiful enough. For as the Difflenters are now twenty for one who was then, so our Trading-stock was then so great, as small sums were not so easily snuffed. Our heap is since that time miserably diminished, and we easily miss small sums, which then we should not have groaned for. Yet I do believe, that the forcing multitudes of people then (by those Courts) to *Holland* and *New-England*, gave us the first wound in our *Trading-stock*; which when we shall recover, God knows.

But besides this, it was said, that an irregular circulation of our

our Trading-stock, or a too slow circulation of it, must impoverish us as well as any other thing. They are the great *Trades of the Nation* should be maintained, and that by *quick returns* of mony too, or else we sink. Now it may be worthy of our considerations, whether by the *infinite summes* taken on several accounts by the *Bishops*, *Chancellors*, their *Courts*, and several Officers upon several accounts, the due *circulation* of our Trading-stock, so as to maintain the great *Staple Trades of England*, be not diverted and retarded. The Author of *Omnia Comesta*, &c. seems to argue as if the Bishops and their Officers eat up, or melted all their mony, or laid up all in a box. The truth is, there is no such thing, I believe it passeth as quickly from them as from any sort of men. What *Registers*, *Procters*, *Apparators*, *Choristers*, &c. get usually, they part with to the next *Drawer*, he to the *Vintner*, the *Vintner* parts with it to the *Merchant*, the *Merchant* again to that *Tradesman* that can furnish him with wares fittest to exchange for *Wines* of all sorts. You will say, Where is the error then? The *circulation* is perfected, and there can be no error unless the *Merchant* sends *Coin* for his *Wines*. 'Tis true, the circulation here is not stopped, but it is diverted and retarded: the water runs, but it is through a sink instead of the true *Conduit-pipes* which should maintain the Nation. Let us a little weigh this.

That there are very great sums of mony wrung out of the Kings Subjects by the Officers of the *Ecclesiastical Courts*, is evident, and generally from the active trading part of the people; as possible 10, 20, or 30 s. seems little to men of great estates, but it is much to those who, it may be, drive all their trade with 10 or 12 l. This goes to *Apparators*, *Procters*, *Commissioners*, from thence it wheels till, it is true, it comes at last to the *Merchants*: but in the mean time the *Mill* stands still for want of water, trading is stopped, time is lost, many poorer persons undone. In short, I do think it demonstrable enough, that the *Drinking-trade* is become one of the greatest trades of the Nation, and what issues in the least publick advantage. Now if this be carried on only by the *Drinking-stock*, I mean the mony of idle drones, that will spend their mony no better, possibly no harm comes by it to the impoverishing the Nation; but if the *Trading-stock* be called in to that, I fear the Nation will feel of it; and this day doth feel of it.

In short, if we see any thing, we cannot but see, that it is high time, not only for the union of our minds, and filling animosities, but for the keeping of us from beggary, to take off all discouragements from Traders, especially such as trade in our Life-trades. The consequent of the cessation of that wheel, must be our inevitable overthrow and ruine. This must be by delivering the persons concerned, from the severity of the Common Law, making Excommengement a kind of Outlawry, and the Statute-Law, subjecting persons excommunicated to Writs and Capias's.

Why should Excommengements be in the same predicament with Outlawries ? and revokable upon harder terms ? Why should the State concern it self to justify the Keys of the Church, which may erre ? Is not this like the Presbyterian Horning in Scotland, which yet we pretend to deafe ? Why shoulp the Civil Magistrate imprison sober persons, because the Church-men have cast them out, it may be only because they did not exactly tell their Pigs or Geese, or tythe their Mint and Amis. Is not Excommunication an Ordinance of God, and duly admistrifed, is it not penal enough ? Is it not punishment enough to be deprived of Gods Ordinances ? cast out of communion with his people ? delivered up to Sathan ? And all this in the Name of Christ justifying in heaven what they do on earth, provided it be according to his will.

If it be not according to his will, what reason hath the Civil Magistrate to espouse their quarrels, and justify their errors ; yea, and to involve in their guilt ? For certainly, they have a dreadful reckoning to make to God, else debar any the privileges of Christs blood, without a cause which his Word shall justify. And will no guilt follow the Civil Magistrate, for rumining persons so by them excommunicated ? Besides, thus the Magistrate ingageth deeply, without any cognizance of the cause to judge upon it, whether according to Gods Word he may, or ought to do it : he must give account to God for this mans suffering in prison, and the ruine of his family, yet he shall never examine the cause, but must take it upon the credit of a Commissary, it may be of a Surrogate, that is not worth so much credit. Is not this strange blind obedience to the Church ? Is any such kind of acting or punishment justifiable from Scripture, or any va-

luable Antiquity? Sure I am the prejudice his *Majesty*, and the *Nation* receives by these things are invaluable. I my self have known an excommunication thus overtake in his course, and stop a Tradesman upon whom the livelihood of a thousand poor depended. The consequences of these things may be foretold without Divination.

But I hear some saying, *That to relax these severities, were to open a door to all Blasphemy, Idolatry, Errors, and to the destruction of all Ecclesiastical Government.*

1. To which I answer, that for *Blasphemy* and *Idolatry*, the persons I have been mentioning are far enough from any such imputations; if by *Blasphemy* be meant a reproachful speaking of God, I must confess, I think it a crime to be punished by the Judge: the very Law of Nature secures the *Deity*, whom the Magistrate acknowledgeth from such affronts. I mean directs the Magistrate sufficiently to punish those that are guilty, which doubtless he ought to do, though he have no Significant from the Ecclesiastical Court. The like I judge concerning *Idolatry*, so highly declared against in Holy Writ; though for the kind of punishment, whether by *Death, Bondes, or Banishment*, may be deliberated.

2. But when did we hear of any profane wretch questioned lately for such reproachful *Blasphemy* in those Courts in *England*, ( though we have heard of unheard of *Blasphemies*) which the *Civil Judges* have taken notice of. Much less of *Idolatry*, how many *Papists* have we heard of Excommunicated now in seven years time? Nor do I blame Ecclesiastical Courts for these omissions towards those which in my apprehension are clearly without the *English Church*; and what hath it to do to judge them?

3. For *Errors*, the Notion of them is so large, that unless we be told what they call so, it is hard to speak in the case; there are Errors which by the *Law of England*, the Civil Magistrate may punish; there are other notions that are called *Errors* or *Truths* according to the prevailing Party. Who knoweth not that King *James*, and the *Parliaments* generally in his Reign, as those also in the time of his *Majesties Father*, judged the *Arminian Points*, Errors, and severely declared against them as such: but do we think so? It may be the next Generation will: What shall we do in this case? Receive those into our communion which

407

which they would have cast out, and it may be the next Age would cast out again. Or cast those out whom they judged only fit to be kept in, and it may be the next Age will do so again : Yet thus much I could allow, that men ought to be restrained by the Magistrate, from publishing any thing in popular Auditories against the avowed Articles of Faith which the Church owns. But what need of *Outlawries* and Writs for this ?

But those I speak of, are only such as dissent in matters of Worship, or if in matter of Doctrine; yet according to the Apostles direction, they have their *private faith* to themselves, not disturbing those otherwise minded. To forbear these, I cannot see how it should destroy Ecclesiastical Government, at least to forbear them as to *Multis, Imprisonments, Outlawries, &c.*

1. They may as well, yea better say, the restraint of the Old Writ for *burning Hereticks*, hath destroyed it already ; for truly these Civil Animadversions, which men of this kind, call necessary to the Government of the Church ( if not a part of it ) without the revival of that Writ, or some Laws of equal severity ( and unparallel'd yet in any Protestant Territories ) will be found to signify nothing but trouble and charge to the Nations. Yea, without some such course they will be forced to mannage their Government, contrary to all Rules of Justice, and of right Reason : who seeth not they are at that pass already ?

Certainly never any Government in the world was counted just and reasonable, which assumed to it self a liberty ( as it pleased ) to smite or spare those brought under its Cognizance as Offendours. What should we say of our *Common Law Courts* ; if when twenty persons were convened before them, and proved equally guilty of a Felony, the Judges should as they pleased condemn two, and let all the rest go ; and of the two condemned, hang one and spare the other. Yet is not this done in these Courts every day ? Twenty presented for the same fault, eighteen it may be, shall pay their money and be discharged, the other two shall be decreed to be excommunicated, and actually excommunicated : A Writ shall be sued out against one of them, he taken, laid up in a Goal, his family ruined ; the other in the same crime, and condemnation not so.

Every one sees this is the daily practice ; nor can I, nor will ( I think ) any sober person blame them. Should all *Afric* be excommunicated ?

communicated? Should they sue out Writs against all excommunicated, ten times so many Goals as are in the Nation would not hold the Malefactors.

Without some *Gaol-delivery* therefore, the Government thus managed, is not practicable according to Rules of Justice, which requireth proportions in distribution of punishments. This *Gaol-delivery* (unless the persons concerned would seek absolution, which they are far from, *glorying in their bonds, rejoicing that God thinks them worthy to suffer, &c.*) must be, by putting the malefactors to death, or banishing them (a severity Protestant-England ever abhorred) or by a *Pardon*. If the *Pardon* might be under the condition of their promise to do so no more, they would not accept *deliverance* on those terms; if otherwise, it doth but renew the same work in a circle. What remains therefore, but the abatement of those severities, that the true Ecclesiastical Jurisdiction might be practicable? which aided thus by the *secular arm*, and no further, is indeed not practicable according to any Rules of Justice. If any shall say it was with these circumstances formerly practicable, I answer, whether according to Rules of Justice ever since the Writ abated *de combibrentis hereticis*, I doubt, but all know what confusions an attempt for it brought the Nation into. Add to this, that the number of Dissenters is sithence multiplied an hundred fold, and Knowledge as proportionably increased; so as they find in the sufferers quite another Spirit. It was then rare to hear of one imprisoned upon the Writ *De Excommunicando*, lying a Moneth in Prison now the Goals are every where stocked with them, and they are triumphing in their bonds, whilst in the mean time most sober eyes that beheld them, pity them, and too many curse the Authors of their miseries, while they hear them proved guilty of nothing, but not taking a *Church-wardens Oath*; not coming to hear *Common Prayer*, or the like, the persons being known of pious and sober, and useful lives.

But were this indeed to let loose the reins of all Ecclesiastical Government? Surely, those who say so, know not what it is. Is not the first Commission for that Government upon record, Matth. 18. Let us hear it; If thy Brother offend thee, go and tell him of it betwixt thee and him: if he bearish thee, thou hast grieved thy Brother. If he bearish thee not, take two or three with thee,

thee, &c. If he hear them not, Tell the Church; if he beareth not the Church, Let him be to thee, as an Heathen, and as a Publican. We must suppose the Surrogate and Register to be the Church. These persons refuse to hear them; what saith the Rule, Let him be to thee as an Heathen, or a Publican. Cast him out of thy communion, eat not with him, as the Apostle calls it, reject him (as in the direction to *Timothy*.) Not a word of, Let him not sue for his debts, Let a *Significavit* be granted, and a *Writ* sued out against him, and he taken and thrown into a Gaol. These things never came into Christ's heart, he never spake a word of them to his Apostles (whose Successors our *Bishops* would be) nor *Paul* to *Timothy*, (one whom they pretend to have been a Bishop) Let none say, the Church then had no Christian Magistrate to aid her. They who urge that as any thing of answer, consider not that Christ did know well enough, that *Kings* should to his Church be nursing Fathers; for his Father had promised it, and he was of Council to his Father in this Decree of it: nor yet do they consider, that Christ was giving there a perpetual Rule for the Government of his Church till his Second coming. The truth is, the Church needed no aid of the Temporal Sword to add terror to its censures, till the *Guides* of it began to be loose, and give themselves liberty, to strike with Christ's Sword, without looking for direction from his Rule, making that Sword revenge their quarrels, and satisfie their lusts; by which means, the *Censures of the Church*, presently lost their authority. So long as the Officers of the Church executed the plain revealed Will of God upon Offenders, they had the advantage of the offenders Conscience condemning them within, whiles they gravely with the authority of Christ, executed the *Church censure* upon them, and God oft times with extraordinary judgements on offenders gave testimony to them. But as soon as instead of executing the will of Christ, they came to execute their own lusts, errors, and passions, they lost all advantage from the (pretended) Offenders conscience, nor did God stand by them. So they were forced to sue to the Civil Magistrate for heterogeneous aid; hence burning Hereticks, Outlawing of excommunicate persons; suing out *Writs*, to imprison them, &c. All these things had their rise in corrupted Popish times, when the great Whore had made the Princes of the Earth drunk with her abominations; but all these things are clearly foreign to the Government of the Church.

*(Pra)*  
Church. Though indeed it seems the duty of the Civil Magistrate, to secure the Church from disturbance by the rudeness of offenders; though they may be suffered to be as *Heathens*, yet they must not be suffered to be disturbers of those who make more Conscience, as Christians.

But lastly, supposing something of this nature were necessary, or might at least be judged expedient, *Might not the intrinsical power of the Church, with the advantage of this forreign assistance be excused upon objects enough, who could not so much as pretend to any thing of Conscience: nor would any judge them such sufferers?* Have we not enough of *Drunkards, filthy Unclean Persons, Profane Swearers, Cursers, Sabbath-breakers, Liars, Revilers, dishonourers of Parents, Takers of Gods name in vain, Extortioners, and other brute Beasts,* (the true spots of all Christian assemblies) for this power to be exercised upon? and as to the censuring, and other punishment of whom, they should not only be justified from Gods word, and the joint suffrage of all good and sober men, but also the concurrent suffrage of the offenders consciences, that they are but justly dealt with. These men could not so much as say, when they were excommunicated, imprisoned, &c. *We suffer these things, because we dare not sin against God.* Nor that the word of God obligeth them to do such things. Do they doubt whether these in *England* would make sufficient fuel for their fire? doubtless they are double the number of *Non-conformists*, and (according to the Divine Rule) the proper objects of such Censures, *1 Cor. 5. 11, 12.* But the truth is, it is rare to hear that these Courts take any notice at all of these, and I have often thought it one of the great artifices of the Devil, to secure these Servants of his, by diverting our *Church-men* to fall only upon Non-conformists.

Thus far, Sir, without any passion or prejudice. I have deliberated a little upon the first *Query* in the fore-mentioned *Pamphlet*, and considered how far the answer given by that Author to it is more, or less proper. How fortunate you will judge me in my Animadversions, or enquiry after the true cause of our Evils, I leave to your Judgement.

But in truth Sir, I shall not wonder if what I have said doth not give you a full satisfaction, for it doth not satisfie my self; I think when we have dived as deep as we can by humane reason into this great Mysterie of Providence, we shall be forced to

fly to occult causes, and resolve it into the great Vengeance of God upon a sinful Nation, which Vengeance indeed is executed by some Second Causes; but as the Wrath of God is doubtless the highest cause, so the Proximate Cause is much hidden to us.

It possibly might be a work more worthy our pains to consider for what sins, God thus falls upon us. And verily we are grown a Nation so vile, with all manner of Abominations, that we may quickly find enough to incense a just and angry God. What murders and manslaughters? What prodigious filthiness and uncleanness hath been, and is heard of every day? What beastly drunkenness? What Oaths, Perjuries, and Blasphemies? What violation of Gods Sabbath's? What horrible profanation of his Ordinances? What harsh usage of those who desire to fear his name? To speak all in a word: Is not the propagation of the glorious Gospel of Christ, one of the greatest designs which God hath on foot (in order to his glory) in the world? Is not that it by which souls are turned as from dumb Idols, so from beastly lusts, and sinful courses to the living God? Is there no stopping of the progress of this? Nay, have not these few years put such a check upon it, and given such a stop to it, as is to be parallel'd by no story since the Christian Religion was known in the world. We have heard before of some single Ministers Silenced, and forbidden to preach but upon such terms, as they were forced to refuse unless to save the souls of others they would damn their own by wilful sinning. But was it ever before heard, that at one stroke three or four thousand should be legally silenced, and their parts and gifts restrained to corners, and not to be exercised there, but with danger of the ruine of them and their families? Do we stand and wonder, that the Vengeance of God should follow a Nation in which such a thing is found? when in the mean time, thousands of souls perish for want of knowledge: And to make up this batus, this want of Ministers, others have two, three, four Livings, many of which are not fit to take care of the souls in one of their Parishes, such Ignoramus's, as they are not fit to teach at all. Others so abominably debaucht in their practice, that their Preaching is by the example of their lives made ineffectual. Let us wonder no more Sir, at this dreadful Curse of God upon us while we have done, and persist yet in doing that, for which the wrath of God (saith the great Apostle) came upon the Jews to the utmost.

utmost. 1 Thess. 2. 16. Forbidding us to speak to the Gentiles, that they might be saved, that they might fill up the measure of their iniquities, for the wrath of God is come upon them to the utmost : We know how severe God was against the Jews, for denying the benefit of the year of Jubilee, in giving liberty to their servants. What can we expect he should be to us, who deny the benefit of the acceptable year of salvation, to poor souls, in not allowing liberty for the Preaching of the Everlasting Gospel?

Thus Sir you have my thoughts as to the first Query. I have a desirable hour, I care not if I bestow it upon you in speaking a word or two, to those other Queries to which he saith nothing, though the Questions be oddly put, yet possibly we may find something of Moment in them.

The second Query is as he states it thus :

Quer. 2. Whether seeing all Reformed Churches in Europe did, upon their first Reformation, and departure from Popery, cast out all Diocesan Bishops, name, and thing, as an office, altogether Papist, together with all their Hierarchical appurtenances, and as had to this day given of them to otherwise, England should not have done, or may not do the like?

That all Reformed Churches in Europe, did so as is said in this Query ( though some will deny ) is undoubtedly true ; Their Superintendents are quite other things in Power as well as Name. But what will you say, if upon a just and due enquiry, we shall find that ( abating Names which do not so trouble considerate men ) England, and the first Reformers in it ( which I count from King Edward the sixth his time, for King Henry the eighth deserves little of that name ) did the like as to their settled Laws, though there have been other pretences, and be variations in Practice from those settled Rules.

To the finding out the truth in this particular, and so a little allay this heat, we must first consider the notion of a Bishop ; then the adjunct of Popish ; and lastly, The appurtenances both to the one, and the other.

The name *Episcopus* is innocent enough, signifying no more than an *Overseer*, applyed to the Congregation, or collective body of Christians : He is an Overseer of the Church, which oversight is taken to comprehend *Doctrine & Government*. So that he is a person, whose Office it is to look to, to feed with the word of Doctrine, and

and to govern with the Crook or Rod of Discipline, the Church of Christ: and under this oversight comes the Ordination of Ministers. That Christ ( the Lord of the Church ) hath appointed some Officers in it, to whom he hath delegated a power, *to teach his Gospel to his people*, and to ordain Teachers to them, and by his Rules of Discipline to govern them, is a truth which I think no sober persons ever doubted. That the first work of Preaching the Gospel belongs to all Ministers, is without question: The question is, whether the *Ordaining Ministers ordinarily*, and the governing of the Church, by a just dealing out of such censures as Christ hath ordained to reclaim those that err from his rule, belong to a single person, or to more in conjunction. The Presbyterians contend for the latter, upon the account of a Divine right. Those that contend for Bishops, contend, *That in the Church, Ministers ought to be ordained by a single person, whom they call a Bishop, either without any joyned with him, or without any necessarily joining with him in that action.* And that the Censures of the Church ought ( especially Excommunication ) to be dealt out by the same person. But how far as to the latter any Bishops power shall extend is another question. The Papists contend for an Universal Bishop, who ( instead of St. Peter ) shall extend this power to the utmost ends of the Earth, even so far as Christ hath possession. Others plead for a Diocesan Bishop, whose eye should be over many particular Churches, but how many they allow to be of Civil rights to determine. Now for such an Officer as this; *it will hardly be denied*. Some plead a Divine Right, that this was *the will of Christ*. Such they say, were the Apostles, who must have Successors ( not considering that this Argument holds for universal Bishops ) *for* <sup>as</sup> *I know to no man* ( saith Dr. H.) was a Diocesan Bishop, he went to his Diocese, *Act 1.* ( but the generality of Divines judge that a Diocese not very desirable.) Some plead the Presidents of Timothy and Titus: but most think that Mr. Pryn hath so unbishop'd them; as they will never again get on their Roches. Others, the Angels of the Churches, which if they were Angels guardian ( as some would have it ) Or the Messengers of those Churches to some Council: Or the Messengers and Embassadors of Christ ( as all Ministers are ) to particular Churches: or *any collective body*, makes nothing in the proof of what some would have it to prove. Now if any notwithstanding this, will think that this Office

is

*2 Cor. 5. 20.*

is *Jure Divino*; this will not make the English Bishop, a Popish Bishop; unless the Law of England so determines him ( which it doth not ) Indeed Bishops, that contend for this, may be called *Popish*, as contending for a point which no true Protestants ever contended for: Yet not properly, for neither will Popery allow any such thing. All know how stiffly this was opposed in the Council of Trent; at which time it was ( saith the History of Trent ) resolved in the Congregation of Cardinals, That their Legats at the Council, should inviolably observe not to suffer a determination Sr. N. Brents to pass the Council, that Bishops were *Jure Divino*. It is true, Gra- Hist. p. 603. nata, Fonseca, Sincou , stiffly defended it; but many others, and Laymen in particular as stiffly opposed it. So as suppose a Bishop thinks he stands by a Divine Right; Yet this makes not all English Bishops, Popish; for no Parliament of England ever so established them.

2. Some plead for a *Jus Ecclesiasticum*, and some, to carry it as high as they can, call it *Apostolicum*. The meaning is, that though Christ did not indeed institute such an Order; nor ever did it come into his heart, yet the Apostles did; ( witness Timothy and Titus ) or if they forgot it, yet the Primitive Church did, to whose Constitutions we are obliged, in the Case *sub pana*, of a Schism. The first part of this is the same with a Divine Right. The latter would never yet be declared in any English Law, so that no English Bishop stands on that foot, no nor yet by the Papists themselves allowed. Who generally divided themselves into two parts: Some pleading for a Divine Right, which the Church of Rome never would allow. Others for that only which followeth.

3. The truly called Popish Bishop therefore pretends to his Office *Jure Pontificio*. Christ made St. Peter a Bishop, and gave him power to make Bishops. Thus the Papalins in the Council of Trent: hence they sue to the Pope for the Bishoprick, by him really ( though in shew it may be from a Chapter ) they are made, clothed with their Authority, &c. Those that know the Laws of England, know that it is a dangerous thing for any English Bishop, either to sue to the Gentleman at Rome for any such Office, or accept it from him; so that none can upon that account pretend to their Office.

4. What remains, but *Jus Regium & Cesareum*, the Kings Laws,

or *Lex terre*, the Law of the Land, which, (before the Reformation) Wheras our Royal Grandfather founded this Church in the state of Prelacy; and upon the Reformation, expressly let the English Bishops upon as much a Civil foundation, as a Justice of Peace stands by the Statute made in the first year of Edward the first. Which Statute makes Archbischopricks and Bishopricks the Kings gifts. 2. Damns all elections to the Offices. 3. Makes the Kings Patent sufficient to make any person a Bishop. 4. Peremptorily declares all Ecclesiastical power to be, and Courts to be kept by no other authority, forreign, or within the Realm, but from the King. And to testify this, 5. Enjoyns them to have the Kings Arms in their Seals. 6. To send out Processes, Citations and Summons in the Kings name, with their own Teste only. If this be not enough to make the Office perfectly Civil, (in a strict sense) though exercised about Church-affairs, (about which Civil Magistrates have their Office, as all sober men grant) I would fain know what is. It is true, Queen Mary repealed this Law, 1 Mar. 2. but both Queen Elizabeth and King James repealed that repeal, 1 Eliz. 1. Jas. 25.

However it is sufficient to tell us, what foot our fore-fathers thought fit to set those Ecclesiastical Officers upon in England, and to that purpose I only urge it.

I know there have been momentous questions started upon that Statute, 1 Edw. 6. 2. especially in the Parliament held in the fourth of King James: some bringg strictly in force of that Statute, that there were then no Bishops in England, and that their Acts were all null and Void, because neither their constitution, nor yet their proceedings were according to the Statute, 1 Edm. 6. And I have seen some Papers printed to this purpose since the late restorung of Bishops, and know many who stand upon this with the Ecclesiastical Courts, and refuse obedience to their Citations, &c. because their Processes are not in the Kings Name, nor the Kings Arms used in their Seals, by which means they have run themselves into great pernickities. The truth is, that notwithstanding that Statute, our Common Lawyers have judged, our Bishops Constitutions and way of proceeding warrantable by Law, yet (if so much) it is but barely so, as may be judged by any that will put himself to the trouble of understanding the nicety of the case. Upon the disquisition before mentioned, 4 Jas. the Judges at first thought, that by Law the Bishopricks

were

were all void, and their proceedings null, the Statute 1 Edw. 6. repealed 1 Mar. being revived again by the Statute 1 Eliz. & 1 Jac. 25. But to prevent the confusion they saw would follow, they set themselves to a further search, and found that the Statute 1 Edw. 6. was not only plainly repealed by 1 Mar. ( which was indeed repealed afterward, but in part by the Statute 1, 2 Phil. & Mar. cap. 8. in these words, ————— And the Ecclesiastical Jurisdictions of the Archbishops, Bishops, and Ordinaries, to be in the same state for Process of Suits, Punishments of Crimes, and Execution of Censures of the Church, with knowledge of causes belonging to the same, and as large in these points as the said Jurisdiction was, the said 20 year. And in whole verily (for expressly it is not to this day) by the Statute, 1 Eliz. cap. 1. as it reviveth the Statute made in 25 Hen. 8. 20. ( though it doth not at all mention the Statute made upon the Reformation 1 Edw. 6. ) which unquestionably would have been expressly named and repealed in it, if the Parliament had ever intended to repeal it.

The Statute 25 Hen. 8. 20. chiefly relates to the restraint of paying the Pope *Annates and First fruits*. In the latter part it directs the way of constituting Bishops for the time to come. It will not be amiss to set down the substance of it, that we may yet be fully convinced, that Bishops in England stand merely upon a Civil foot.

That Statute therefore provides,

1. That upon the avoidance of any Archbischoprick or Bishoprick, the King may grant to the Prior of Covent, or the Dean and Chapter of the Cathedral Churches or Monasteries, a License under the Great Seal to proceed to an Election, &c. With a Letter missive, containing the name of the person which they shall elect or choose. If they neglect twelve days, the King may make the Bishop by his Letters Patent. When chosen, the other Bishops are enjoyned to consecrate him; if they do not chuse the person so nominated, and certifie such election within twenty days, or refuse to Consecrate him, they by that Statute incur a Penitentiare. This is the substance of that Statute; by vertue of which, all our Common Lawyers say our Bishops are chosen. In this Statute there are also these words: That every person so elected and consecrated ---- shall be obey'd in all manner of things, according to the name, title, degree and dignity that they shall be so chosen and presented unto: and do and execute in every thing and things touching the same, as any Archbischop.

or Bishop of this Realm, without offending of the Prerogative Royal of the Crown, and the Laws and Customs of this Land, might at any time heretofore do. This Statute held in force till 1 Edw. 6. The Parliament then, as appears by their second Act, judged, that the Election by Deans and Chapters were to the long delay, and costs and charges of persons so chosen, and the said Elections in very deed no Elections, but only had colours, shadows, and pretences of Elections, serving to no purpose, and seeming also derogatory and prejudicial to the Kings Prerogative Royal. Therefore they Enact as afore-said; That no Writ of Conge-de-Shire should be granted, nor any such Election made. But Bishops should be made by the Kings Letters Patents. In the same Act they declare, That all Authority of Jurisdiction Temporal and Spiritual, is derived and deduced from the Kings Majesty---- And that all Courts Ecclesiastical be kept by no other power or authority, either Foreign or within the Realm, but by the authority of his most Excellent Majesty. To evidence this, they by their Act enjoyn all Summons and Citations, or other Process Ecclesiastical, &c. to be made in the name and style of the King. They give the reason, because to send out Summons in their own names is according to the form and manner as it was used in the usurped time of the Bishop of Rome, contrary to the form and order of the Summons and Process of the Common-Law used in this Realm. They further by the same Act enjoin the Kings Arms to be engraven in their Seals of Office, with certain characters under the Arms for the knowledge of the Divers. And the same Act enjoyns them to use no other Seal, under penalty of his Majesties displeasure, and imprisonment, &c.

These prudent Senators saw the Bishops of those times unwilling to stand merely on a civil foundation, and therefore taking all advantages to entitle themselves to another derivation of Power and Office, and therefore cautioned it by this Statute.

Queen Mary succeeding, and restoring the Bishop of Rome to his former power, wholly abrogated this Statute, and afterward, 1, 2 Phil. Mar. repeated all Statutes against the See of Rome. It doubtless was never the intention of the Law-givers to repeal the Statute 1 Edw. 6. for it was done before expressly; only those words drop'd in which before were mentioned, *And the Ecclesiastical Jurisdiction, &c.* Queen Elizabeth succeeds; The Parliament in the first year of her Reign repeals the aforesaid Statute,

Statute, 1 & 2 Phil. Mar. 8. and reviveth all branches and clauses in any Statute, repealed by that Statute of *Repeal*, which are not in that Act specially mentioned and revived: but indeed that Statute doth revive the Statute 25 Hen. 8. 20. first mentioned, as forbidding *Annatis and First-fruits* to be paid to the Pope, and setting a way for the choice of Bishops. All this while the Statute 1 Mar. 2. stands in force, by which the Statute 1 Edw. 6. 2. was repealed, and so, for ought I read it did, till the 1 Jac. 25. when it was repealed wholly. So that then notwithstanding Queen Mary's repeal, the Statute 1 Edw. 6. 2. was alive and of force again, according to the rule in our Law, *Remoto impedimento revivisit statutum*. But although that Statute of repeal was repealed, yet the Judges thought in 4 Jac. that the Statute of 1 & 2 Phil. Mar. 8. had words enough to repeal that of 1 Edw. 6. 2. as to *Process, Seals, &c.* and that the Statute 1 Eliz. did repeal that Statute 1 Edw. 6. 2. wholly. It is manifest, that his Majesty had a mind to find a salve for the sore at that time, and the Judges were as zealous in the case to prevent the confusion other determinations would have made in *judiciary proceedings*. But we all knew determinations, so encouraged, do not always prove the justest. And my Lord Cook plainly says, That the Judges upon *diligent enquiry*, at first did judge the Law so, ( i. e. that the *Bishopricks* were all void, and their actions since 1 Jac. 25. all null and void ) but afterward they determined otherwise, and why? Because of the afore-mentioned clause, 1, 2 P. & R. Mar. 8. so shewed, and remitted.

1. But first, this was but *implied*, plainly never intended by the Parliament in that Act, for they had quite slain the Act we speak of by a Parliament, 1 Mar. 2.

2. That clause saith no more than, that their Jurisdiction shall be in the same state for *Process, &c.* Must it therefore needs follow, that it must be in the same Name, and with the same Seal?

3. But thirdly, the Statute 1 Eliz. plainly repeals all words and clauses in that Act, 1, 2 Phil. & R. Mar. 8. except what is specially mentioned and revived in that Act, which I think nothing in that Statute is but the clauses about *Premunire*, which are indeed in that Act specially continued and revived. But it is said that the Act 1 Eliz. reviving the Act 1 Edw. 6. 2. doth repeal that Act or Edw. 6. 2. But it is said that the Act 1 Eliz. reviving the Act 1 Edw. 6. 2. doth repeal that Act or Edw. 6. 2.

1. If it doth, it is but *virtually*, (as the Judges granted) for it is not expressed.

2. Should not the Act 1 Edw. 6. 2. have been then mentioned and repealed?

It is said, *That later Laws abolish former contrary Laws*. But here is no contrariety, though a little diversity. What power the Act 25 Hen. 8. gave the King, in case the *Dean and Chapter*, or the *Prior* refused speedy obedience, this Act gives the King, without the *Ceremony of the Writ*, and *Letters missive*; both gave the King a power to make the *Bishop* by Letters Patents.

3. But suppose it that the Act 20 Hen. 8. was revived from 1 Eliz. that Statute gave them no power but with a *salvo* to the Kings Prerogative, and the *Laws and Customs of the Land*: Suppose it was not the Kings Prerogative before, yet certainly it was by the Statute 1 Edw. 6. 2. made a piece of his Prerogative by sole Letters Patents to make any person Bishop, without using the former method of Writs of *Conge de shiere*, and Letters Missive, and returns upon them. So that although 10 or 12 years after this, the Act of 20 Hen. 8. revived, yet it then gave them no power to make elections otherwise than according to the Statute 1 Edw. 6. 2. because it was contrary then to the Prerogative Royal.

And the same Parliament, 1 Edw. 6. 2. declares it *contrary to the course of Law, that Courts derived only from his Majestie should send out Processes other than the Kings name*. So that upon an equitable judgment, the reviving the Statute 25 Hen. 8. restores nothing to them taken away by the Statute 1 Edw. 6. 2. because contrary to his Majesties Prerogative Royal, and the custom of the *Laws of the Land*.

4. Indeed the revival of the Statute 25 Hen. 8. 20. candidly interpreted, reached no farther then as to the first part of it, for paying *Amates* and *Fiftefrdits* no more to the Pope, but to the King: and doubtless if they had intended more, they would in terms have repealed that Act 1 Edw. 6. 2. which they needed not, for it stood repealed till 1 Jac. 25. when Queen Mary's Act of Repeal was in whole repealed, and that Statute had a new life given to it. And if that Parliament had not thought they had restored the Act 1 Edw. 6. 2. to its vigour, to what purpose did they repeal that Act of repeal at that time? But this abundantly shows the Statute, 25 Hen. 8. 20. plainly enough sets the

the English Bishop on a meer Civil Foundation. The King must nominate him to the Prior or Dean; they must chuse him whom the King nominateth, and no other; if they do not, they are in a *primumire*; if they neglect, the King hath a *sole power* to do it by his *Letters Patents*. Will they say, the Kings nomination doth not make the *Bishop*? I would then demand what doth? Not their *election*, for they can only chuse whether they *will have him or none*; if they will not, the Kings Letters Patents shall do the deed without them. Will they say, it is the following *Consecration*? ( which is all the Law allows it, saith nothing in the Statute 25 Hen. 8. 20. of the *ordaining Bishops*) all know that is but a solemnity for Gods blessing upon the person nominated and elected. Upon this reflection, Sir, upon our *English Laws and constitutions*, it is to me as clear as the light, that although our first Reformers were pleased to retain some old names, yet they at the first abolished all *Popish Bishops*. Setting Bishops upon a meer Civil bottom, which is a notion far enough from Popish Bishops, they are all divided in two parts. Some judging the Office by *Divine right*: others pleading for it only as derived from the Pope the *Universal Bishop*, who (say they) hath power to constitute Bishops. In opposition to both these our English Reformers, as they damned the latter, so they disowned the former, and put all the power of this nature into the hands of the *Civil Magistrate*, from whom alone the *English Bishop* must derive name and thing, office and honour. Nor is it possible they should, with the least colour of reason, pretend to more. As to the latter, all will grant it; the Law of *England* makes it a *primumire* to claim from the Pope, and King *Henry 8.* in his time deeply fined them all for but taking an Oath to the Pope, when he had chosen them. And for any pretence to *Jus divinum, Apostolicum, or Ecclesiasticum*, it is as vain as can be imagined. For it belongs to the essence of such a Bishop to be chosen into his place, according to some prescript from Gods Word, *Apostolical* or *Ecclesiastical Canon*, (if any such Church Canon could bind us.) Now I suppose they will not pretend from Gods Word to shew us, or in any Canon to shew us a Constitution to this purpose, that in Nations where are Christian Magistrates, the chief Magistrate *shall nominate a person whom the Dean and Chapter shall chuse, and others shall consecrate, and who before such nomination, election*.

904

election and consecration, had no power to ordain a Minister, nor to execute a Church-censure; but immediately after such nomination, election and consecration, shall have such power, and none but He. If they say, the election and nomination are nothing, I would fain know why any else may not as well as they pretend to the Office?

I am aware it will be objected, that the Civil Magistrate cannot give any power to ordain Ministers, or excommunicate, no more than he can administer the Sacraments. But I answer, It is one thing to give the power, another thing to allow the exercise of the power in his Territories. The person nominated and elected as afore-said, if he doth those ministerial acts which it may be are not essential to the Office of an English Bishop, (had we never any Bishops that did neither?) is supposed to have this power in him before by some Ecclesiastical Ordination. His Majesty only calls him out to execute it in his Territories, and limits him as to the execution, and further gives him a legal right to a good revenue, and to judge in those (properly) Civil causes, which former Laws have made under the cognizance of those Courts, which his Majesty authorizeth him to keep, &c.

By this time you see, Sir, the constitution of our English Bishop is not Popish, nor his dependency such. What personally he may be as to his sentiments in any Doctrines, or practice of any of their superstitious Rites, is quite another thing; and either their personal fault, which may be corrected according to the established Laws of the Land; or the fault of those Civil Laws, which he hath a civil obligation upon him to execute.

For the appurtenant Officers to these Grand Ecclesiastical Ministers, such as Chancellors, Commissaries, Arch-deacons, Registers, Advocates, Proctors, Apparitors. The names indeed are of an old extract, and possibly devised by Papists, but their nature is according to that of their Masters whom they serve. Now I am not much angry at names, though in some cases I could wish some less offensive. And so much I think is enough to have announced as to the second Query.

The third Query, Sir, I find stated so uncouthly, that I have no mind to speak to it as it lies in the Pamphlet. I think I shall speak to every thing he would have an answer to in it, under this short form.

**Qu. 4.** Whether it be not lawful and expedient, (to supply the eminent necessities of the Nation) for the Legislative Power of the Nation, to seize upon the publick Lands and Revenues, which in the present state of affairs, legally belong to these Officers, and to convert them to other uses to supply publick necessities: or if not all, yet some part belonging to some of them.

I put in the term *lawful* and *expedient*; for a thing may be simply *lawful*, that is not *expedient*: and so *Quicquid non expedit in quantum non expedit non licet*; being *inexpedient*, it may upon that account be *unlawful*.

I put in [the Legislative Power] for they being *publica bona* it seems contrary to reason, that private hands should dispense of them.

I lay to supply [eminent necessity] I do not think it is *lawful* to take money, i. e. out of a Subject's Purse for *Luxury* or *Wantonness*.

I lay [all or some of them] It is not impossible that we may find more of a Divine impression, upon a bare revenue then upon a luxuriant, superfluous revenue, no need that a Bishop should have maintenance allowed him for a pack of *Hounds*, much less for worse uses.

In the mean time, I see no remedy, but a State must judge of this *Necessity*, and the *Quantum*, necessary to supply it, or convenient to be here taken for that end. We have no higher Judicature under Heaven,

I have no sooner stated this Question, but that of our Saviour, Mar. 2. 25, 26. runs in my mind.

Have you never read what David did, when he had need and was *an hungry*, he and they that were with him, how he went into the House of God in the dayes of Abiathar the Priest, and did eat the *Sheru-bread*, which is *not lawful to eat, but for the Priests*.

The story is, 1 Sam. 21. 1, 2, 3, 4, 5. To understand it a little, Exod. 25. 30. By a speciall precept *Sheru-bread* was alwayes to be before the Lord. Six loaves on a row, to be set every Sabbath upon the pure table, frankincense was to be put upon each row, it was to be *Aarons* and his Sons, most holy to him, and to be eaten in the Holy Place, Lev. 23. 9. A stranger must not eat of it, if any remained, it must be burnt, Exod. 29. 33, 34. accordingly Moses enjoineth *Aaron* and his Sons to do at their Consecration, Lev. 8. 31. It is

is impossible any inanimate thing should have a greater impression of Holiness upon it, it is called *holy, most holy*, an offering to the Lord; strangers plainly prohibited to eat. It was *holy* not only by voluntary designation, but by a plain institution, a thing expressly commanded to be given to God, and being given thus guarded from all uses, but the Priests only.

David ( saith our Saviour ) who by the way too at that time, was but the annointed, not the Actual King, *being an hungry, when he had need, &c.* took this bread, and converted it to his private use, and is justified by our Saviour. Yea, and (to shew that this was not of the same nature with those *Heroick acts*, which Divines say are not to be imitated ) our Saviour bringeth this instance to justifie his Disciples committing *Sacrilege* ( as the Pharisees thought ) upon the *holy time*. It is true, the loaves of bread were of minute consideration, but the crime of *Sacrilege* is as much to be tried, for a *Surplus*, as for a *Chalice*, for a *loaf of bread*, as for the *stones* of the Temple itself. Methinks I cannot but from this instance gather;

1. That the *Shew-bread* was as much an *holy thing* as any *Utenfil, or House, or Law* under the Gospel can be, yea, far more.
2. That what *David* did, *Saul* the actual King might ( if he pleased ) have done.
3. That in case of *need or hunger* for a Prince to take any *thing* so dedicated now to religious uses and give it to them with him, is no such crime as *Sacrilege*, nor can be simply unlawful. It may be the case were otherwise, if the design were to spend it in *Luxury*. But God is so kind to the miserable necessities of multitudes, that he had rather his Temple should want *Gold*, than his creatures *Bread*; his Service rather shall want *superfluities*, than his poor creatures *necessaries*; therefore in such a case for *David* to take *hallowed bread*, for the Disciples to make use of *holy time*, was no sin but what God alloweth.

But because there is a great cry of *Sacrilege*, it will not be out of our way, a little to examine that thing.

According to the Notation of the word, it signifies, the *stealing of that which is holy*. So as these two things come to be enquired upon:

1. Whether these things be *holy*.
2. Whether

2. Whether the taking them away ( in the sense mentioned in the question ) can be called *stealing*.

That nothing of this nature can have any inherent holiness, the most absurd will grant, so that *relative holiness* is all can be spoken of. To make that in reason a sole *dication*, or *dedication* is not sufficient. For what pretence can there be to entitle any thing to God, to which he hath not made himself a title, either by *commanding it*, or by *approving the gift*. In this latter sense were all the things *holy*, which the Scripture calleth so. Thus *Tythes* under the Law were *holy*, and they said to *rob God*, that withheld *Tythes* and *Offerings*. The Heathens had another notion of *holy things*, accounting all things so, that were *vowed*, or given to their gods; Hence *Tully* inveighs against *Verres* for plundering *Apollo's* and *Diana's Temples*; *Lactantius* inveighs against him for it, because they were *Donations to superstitious uses*. A later Author admires at *Lactantius* for it, because *Verres* had a *Sacrilegious mind*: but let his mind be what it would, his action was no *Sacrilege*, if the things were not *holy*; but under the protection of this Notion, the Heathens counted *Sacrilegious persons* very criminal: Hence in the *Acts Robers of Churches* are reckoned amongst great offenders. And the *Apostle* checks the *Jews* for teaching the *Law* in some points, and doing contrary to it in others, in this form, *Dost thou abhor Idols and commit Sacrilege*. Since Christianity obtained in the world, the *Papists* have most to do about this *Notion*, yet cannot agree to which of the ten Commandments to reduce it. The most agree the reduction to the first *Table*, and the third Commandment there, and indeed the second *Table* treating only of duties immediately due to, and sins immediately committed against our neighbour. This ( pretended to be against God immediately ) can with no reason be reduced to that. If it fall under the eighth Commandment, it must be *Peculatus*, a robbing of the publick stock, but *Sacrilege* it cannot be. The *Papists* reducing it to the third Commandment, say there are three species of it as under the *Gospel*, there are *Holy persons, places, things*, this falls under the lowest species with them. With them it is *Sacrilege to strike a Priest, to bring him before a Civil Magistrate*,

strate, with an hundred other things, the guilt of which need not be feared.

But it is hard to say under the Gospel, that any thing is holy, but Gods Word and Ordinances, God hath particularly directed no Utensils, Houses, Lands to be given to him.

So as I find most Protestants speaking little or nothing of Sacrifedge. I know that when King Hen. 8. took away Monasteries and Abbies, Sir Thomas More cryed out Sacrifedge; but all know Sir Thomas had more Wit than Judgement, and more Law than Divinity. The supplication of beggars, made that busyness appear free of that charge. Upon the late alienation, and especially upon his Majesties Restauration. The cry was up again, but those who made it, forgot that by that charge, they both condemned King Henry the eighth and the Parliaments in his time, and all the Nobles, Gentry and Commons in England who have any Abbey Lands. Yea, and all Reformed Churches of a sin, which they would have judged next to that against the Holy Ghost. The Komish Priest saw this well, and laught in his sleeve, sending out a Pamphlet, to tell them that if all Monastery and Abby Lands were not restored, they could not quit the Nation of Sacrifedge, under the charge of which they had brought it. To be short, if there be any such thing as Sacrifedge in it, those who make the Cry are most guilty. Were the appropriate Tythes dedicated for the use of a Bishop, Dean, or Prelend, or for a preaching Minister in the place, they take them, and either starve the people, letting them have no Minister, or very rarely; and starve the Minister giving him 10. or 20. l. per annum, instead of 100. or 200. l. But still it is said, that they go to an holy use? I answer, not to the use they were destinited, nor to an holy use, if only to make a superfluity for the Superior Minister: When the true Minister wants bread. Whether Archbishops, Bishops, Deans and Chapters be of Divine Institution is a question. That Ministers to Churches are, is no question: Is it not Sacrifedge to take it from him who unquestionably is Gods Officer to the place, and to give it to him, as to which there is a question. But it is endless to argue these Vanities, with those who are resolved they

they will not understand ought but what tends to advance their outward Grandeur.

The robbing of God (that alone is *Sacrededge*) is one thing. The robbing of a *Stat*, is another thing. The *Crimen Peculatus* I allow for private persons surreptitiously to take away publick goods. But how the State can be guilty of robbing it self I am to learn. It cannot be guilty of robbing God, if the things aliened be such as God layes no claim to. Sir I shall as an unbiased man freely tell you my thoughts.

1. I believe and am assured from Gods Word, that as he hath left certain Institutions for the good of his Church; so he hath appointed certain persons, or a certain order of persons to dispense these Ordinances who ought to attend to reading, meditation and prayer.

2. I believe it the will of God that these persons taken off the world, and providing for themselves or families, to serve the publick in the highest and most spiritual concerns, should be maintained by those to whom they administer, either by a voluntary, or settled allowance, which ought to be just, certain, and honourable, that they might have both to give to the poor, and moderately to provide for their Wives and Children.

3. I do believe the Magistrates duty to be, to take care there be such Officers, and that they have such maintenance.

In pursuit of this, as doubtless they have done well, who have given any *Tythes*, *Houses*, or *Lands*, to maintain such *Gospel-Administrators*, so it is the Magistrates duty as far as he can, to preserve such Donations to their right use.

5. In case any gifts have been given to *Superstitious* and *Idolatrous uses*, I believe the Zealous Magistrate may seize them, and turn them to better uses.

6. If in his Territories he finds a sufficient maintenance for all those necessary Officers which God requireth, and a surplusage either given for a maintenance of Orders of persons not appointed, or far more than is necessary for a just and honourable maintenance for such as God hath appointed minister in holy things. I have no doubt at all, but he may seize upon them

419)

them for other lawful and far more necessary uses. This is that which I clearly think as to the point of *Lawfulness*, and the suspicion of *Sacrilegious*. Upon this account I cannot but justify our first *Reformers* in seizing *Monasteries* and *Abby-Lands*, and those who began Reformation in all other Reformed Churches.

*Expediency* is an other thing. *Circumstances* must there be weighed: and indeed I take the Chief Magistrate to be the true Supream Judge of *Expediency*, ( though every Conscience as to its own practice, must judge of lawfulness and unlawfulness. ) I began to think *Non-expediency* in the present case might have been urged, in regard of the late re-assumption of them, but I remember, the Magistrate did not restore them as *Sacrilegiously aliened*, but only as sold by those who had nothing to do to sell them.

The highest thing I think to be weighed in the Case, is whether these Officers be not necessary to the Princes Government, and whether what is done by them ( for the King ) can be as well done by other hands.

The service they do falls under a double notion :

1. It is either strictly *religious*, dispensing out the *Mysteries of the Gospel*, *Preaching to the people*, *Praying publickly for them*, *Administiring Sacraments to them*, *Executing Ecclesiastical Censures upon them* ( offending Gospel-Rules ). *Ordaining Ministers for them*. I know nothing more which God hath instituted in his Church; now these things they do in such, and such a Circuit and Territory, by the Authority of the Lord of that place ( in England by the Authority of the King: ) but the things themselves are done by an *Authority derived immediately from God*, and conveyed by *Ordination*, his *Ordinance* to that purpose.

2. The second sort of service they do the Nation, is only about *things Ecclesiastical*: or in such things as indeed are truly *Civil*, but by the favour of *Princes* have been annexed to them; and have some of them *Ecclesiastical references* ( such as *Taking Presentations*, *giving Institutions*; *Indulgions*, &c. ) Some none. Thus the *Bishops sit in Parliament*, have *Courts*, in which they maintain divers *Pleas*, especially in cases that are *Matrimonial* and.

and *Testimentary*, in the business of *Tythes* and *Offerings*, in matters of *scandal* relating to *Marriage*, and many other things, some of which out of doubt, by the Law their Courts properly try, as to others. The *Common Lawyers* challenge them for encroaching, and daily grant *Prohibitions*. Besides this, the Law refers to them to *License Curats*, *Lecturers*, *School-Masters*, *Physitians*, *Midwives*, and such as intend to marry; to *swear Church-wardens*, to look to the *buildings* for *publick Worship*, the *Churches*, *Church-yards*.

Now in all these, the *Deans and Chapters* are no more concerned, than any private *Parish Priest*; they have nothing to do in the *Government*, no relation to the *Courts*, nor are further concerned, than to look to the *Cathedrals*. So that for them and all their appurtenances, if the State pleaseth, every one feeth they may be spared well enough.

It is true according to practice: at the Constitution of a *Bishop*, the *Writ* is sent to them, they make a return upon it, but the *Stat. 1. Ed. 6. 2.* hath declared this *no Election*, but a *mer shew*, &c. and given his *Majestys Power* to do all by *Letters Patents*. What then do they? They see *Prayers* read twice a day, in *Cathedrals* all the year; by which say some, *desert of Prayers at home is supplied*. Who knows not, that they rarely besides their own number, have twenty to hear them, people either praying at home, or those who have not so much Religion as to pray there, wanting so much as to carry them out to the *Cathedrals*. They were of more use when ignorance more prevailed, and few could read; now most families having in them some or other that can read, they see they can do as much at home, as they shall hear at the *Cathedrals*.

As to *Preaching*, they have very little of that to do, as *Deans* or *Prebends*. Dr. *Hacker* indeed (now *Bishop Hacker*) in a *Speech before the Parliament*, pleaded for their continuance upon this account, for a supply of *Lectures*, and urged that they were by their Statutes tyed to it, and inveighed against some *Bishops* that had disturbed *Lecturers*, as an *Upstart Order of Preachers*. It is now seven years that we again have had experience of them, what *Lectures* have we been btholden to them for? How rarely do they preach? Nay, there are some of them, who instead of *preaching*,

preaching themselves, wholly declaim against it. If the *Dean* of *Norwich* be not wronged, it is his common Theam with which he tyreth all Auditories where he cometh. One of the Books of *Prodigies* hath recorded him, An *Owl* at high-noon-day sitting over him in the *Cathedral*, and hollowing whiles he in the Pulpit was declaiming against Preaching ( it so pleasing God, that an *Owl* under the *Gospel*, as the *Aſſ* under the *Law* ) should reprove the *madneſſ* of the *Prophet* ) and, it is no wonder, for he is so unhappy at the work that we observe at *Whiteball*, but a thin Auditory when he Preacheth. It is true, there are amongst them better Preachers, but they have, or may have Churches enough to Preach in; and for the most part the Pulpits at their Livings want them while they are singing Service at *Cathedrals*: and if there be ſuch need of Lectures in *Cathedrals*, there is or may be able Ministers enough in thoſe Cities to which they relate. Who might ſupply that work without ſo great additional Revenue. *London* had more Lectures, when there was no *Dean*, nor *Prebends* at *Pauls*, nor *Westminster*. So that for *Deans* and *Chapters*, they are indeed upon all accounts perfectly needless, and may be ſpared well enough, and themſelves confeſſ it while one and the ſame perſon can be *Dean* of *A*, *Prebend* of *B*, *Archdeacon* of *C*, *Miſter* of *D*, *Parſon* of *E*, and *Viſcar* of *F*.

For *Archbifhops*, *Bifhops* and *Archdeacons*, these are thoſe only that have any Legal ſhare in Government. *Chancellors*, *Commiſſariet*, *Advocates*, *Proctors*, *Registers*, *Apparitors*, &c. are but their inferior Agents. All the queſtion is, whether if it ſo pleafe his *Majeſty*, the Service they do to the Church or State might not be done by others, to as much advantage, who ſhould not need ſo great revenues, &c. Let us examine what this is I before ſaid. They are things either purely Eccleſiaſtical, as *Ordiнаtio*n of Ministers; *Examination* of the persons in Order to it, *Preaching*, adminiſtring the *Sacraments*, and executing Eccleſiaſtical censures; or ſuch things as in their own nature are not ſo, but ſuch as the Prince hath favoured them with.

For the firſt ſort of things. As to *Preaching* and *adminiſtring* the *holy Sacra‐ments*, the *Arch‐biſhops*, *Biſhops*, &c. (as ſuch) never claimed to them, they were always allowed to be the work of *Priests*,

*Priests or Presbyters.* Nor did our *Arch-bishops* and *Bishops* ever concern themselves in preaching much, now and then possibly in the *Chappel at White-hall*, now and then at the Mother-Church of their *See*. Indeed to restrain and *suppress Preaching*, Bishop *Land*, and Bishop *Pierce*, and Bishop *Wren*, and some others of their feather, have formerly pretended a great power, but that I take to be no Evangelical work.

*Ordination* and *Jurisdiction* therefore are all, for which there is any pretence of any necessity of such Officers.

As to these it would be enquired, 1. *What the English Bishops doth in them.* 2. *Whether in order to their doing it, so great revenues be necessary.* 3. *Whether these things may not as lawfully as sufficiently, to as little charge, and as much content (to the subjects of England) be done without them.*

1. The *English Bishop* hath used to *ordain Deacons* and *Priests* (indeed it is an improper term, for a *Priest* correlates to a *Sacrifice*; and if we have a *Priest*, we must have a *Sacrifice* properly so called, not a proper *Priest* and a figurative *Sacrifice*.) But never any Law or Custom of *England* in former times, allowed the *Bishop* to ordain the *Priest*, (at least alone) other Ministers were to joyn with him, (which indeed he chose.) *Bishop Hacket* would have the *Dean and Chapter* for that use; whether they joyned with him *authoritatively* is a late question, but of no antiquity; so as the *Bishop* in this service did but (for order sake) preside in that action, and it seems it might have been done without him. And indeed who so denieth that, lays the foundation of the most unheard of Schism in the world; (for if that a *Bishop* be (from any Law of God) necessary to make Ministers, no *reformed Church* but that of *England* hath any true Ministers, and consequently no children baptized, no Ordinances truly administered amongst them, nor can we have any communion with them; which it may be was the cause that our late English *Exiles* were so shie of the *Protestant communion* with the *Reformed Churches* as *Charenton* and other places in *France*. Besides, we had the experience of many years, that as many, and as able, holy men were (without *Bishops*) made Ministers, as ever were in so few years made by them, whose lives, as well as *Doctrine*, witnessed as much for them in all sober mens judgments, as for those ordained by *Bishops*.

2. As

2. As to the *Censures of the Church*, those properly so called are no other than *Admonition*, and the greater and *lesser Excommunication*. For these it is pretended that a *Bishop* is necessary; but let us consider what ( according to the present constitution ) he doth in them. The *Minister* of the place where the offender liveth, and the *Church-wardens*, or some one or more of them, doth *deferre nomen*, present the offender in the Court, ( where the *Bishop* is seldom or never present.) For the most part the *Register* or the *Commissary*, or his *Surrogate*, *admonisheth* him; the *Commissary* or *Surrogate* ( if he will not comply with the *admonition* ) decreeth him to be excommunicated; a Writing is sent out, the Minister of the place publisheth it. The *Bishop* all this while neither heareth the cause, nor medleth in it, nor knows it is done, till they come to him to *signifie* the thing to the *Civil Courts*. Can any one doubt whether these things may be done without him, which are thus done every day? Besides, that in all Reformed Churches, these Ordinances are administered without a *Bishop*, and doubtless nothing but the *Law of England* hindreth, but it may be so done in *England*, or all Reformed Churches must be condemned for what they have done and do. So as indeed there is no question but about those actions which according to no Divine Rule, strictly belong to Officers of a Gospel Church, but have by the favour of Princes been committed to them to increase their *authority, grandeur, riches, and dependencies*. And as to these,

1. As to their *sitting in Parliament*, it belongs to that great Assembly to determine, whether that *Grand Council* could not consist, and affairs in it be as well managed without them. If indeed they must sit there, it seems reasonable they should have estates proportioned to so high and honourable a capacity.

2. As to the trial of Causes in their Courts, either *Testamentary* or *Matrimonial*, ( which are the chief ) or those relating to *Matrimonial scandal, personal Tithes, Offerings, Church-duties, &c.* It is a deliberation fit for the *Common Lawyer*, whether these things might not be tried, and justice done upon them in his Majesties Civil Courts as quickly, and more cheaply, and with more satisfaction to his Majesties subjects: we know what we have seen in our times.

3. For

3. For *Licences*, it may be questioned whether *Ordination* ought not to be a sufficient Licence to *Preach*, and administer *Sacraments*. Whether taking *Degrees* in *Arts and Sciences*, according to reason and true *English liberty*, ought not to be licence enough to teach such *Arts or Sciences*, and to practise them. Whether the *Colledge of Physicians*, and particular *Doctors of Physick*, were not in reason fitter persons to judge of the abilities of Practitioners in *Phyfick*, and to grant Licences to Practitioners in *Phyfick*, and to *Midwives*; (certainly their learning and studies direct them better in the case, than those whose study is *Divinity*.)

For the reviving of *Presentations*, and granting *admissions upon them*; surely those who may ordain (if the State please) may do these things; or we have in either *Universituy Heads* enough, men of learning, and a good proportion of whom are always resident, who, if the State please, might dispatch all this work. In summe, there is certainly nothing done by these Officers, but, if his Majesty pleased, might be done by others, and at half the charge for the subject which they now are done, where *Fees* are grown to such a *bheight*, and *delays* protracted to such a *length*, as none that can avoid these *Costs* will have any thing to do with them.

But whether his *Majesty* and the *Supreme Council* will judge this expedient or no, must be humbly submitted to them, while it pleaseth them to continue *Bishops* in their present capacity, certainly it is but reasonable they should have a maintenance proportionable to their great capacities and expences; as the King judgeth it just to allow his Judges a maintenance proportioned to their *Honours* and great *employments*. And thus, Sir, you have my opinion, as short as I could, upon the third *Query* in that Pamphlet.

For the two last *Querries*, they need not many words. As to the last, If the *King of France* were not *what he is*, nor *where he is*, it is certainly the great interest of the *English State*, and particularly of his *Majesty*, to take off all *discouragements* from his *Subjects*, (especially the *Trading part* of them) and to *unite the Nation*. The *Kings interest* lieth in the union of his *Subjects*; others interests may lie in dividing them, that one of the parties at oddes may be *fuel for their fire*, and a prey for their *avarice*.

and to maintain their luxury; but by all this the King gets nothing. And doubtless in order to this end, what ever may (without sinning against God) ought to be remitted, changed, abated, or taken away.

As to the fourth. It is most certain, that as other *Reformed Churches* who have no such Officers, so we (whiles we wanted them) had far more *able, painful, learned Preachers* than we have at this day, and five able Sermons for one we have now; not the tenth part of *Pluralists, Non-residents, or lazie unpreaching Ministers*, nor of *vain and unprofitable Discourses in Pulpits*, which we now have. Whether Nobles be affronted now or no, or Councils disturbed or no, I cannot say; I am sure they could not be, if there were none in such capacities to *affront or to disturb them*.

So that all the busines is, whether without them there might not be as *obedient and loyal Clergy*.

I confess, the great pleaders for *Episcopacy* stick much upon this, and make the *King* and the *Bishop*, such Twins as must live and die together. But the crie of *wrds* signifying little, but the want of good arguments. Let us consider how much the *Crown of Eng'land* is beholding to them, for their care to court it with the *Rocket*, and what truth there is in these assertions. There are not many *Protestant Kingdoms*, yet I think *Sweden, Poland and Denmark* generally are so, neither have they *Bishops*, nor have had for many years: yet have they not a *loyal Clergy*? When were their *Clergy* in the head of any *Rebellions*? Is not that part of *France* which is not under *Bishops*, as *loyal* as those who are under them? Is *England* the only place where it cannot be?

Have th: *Bishops* then been always *loyal*? I suppose they will not much boast of the *loyalty* of *Bishops*, from the *Conqueror's* time till King *Henry 8.* If they do, they may easily be confuted. I know it will be said, they were therefore till then *Papists*. But this is no answer to those that know, that in those times there are instances of their deserting the *Kings* part; when the *Pope* adhered to him, and helped the *King* to revenge himself on them, as in *Henry 2.* time. Upon the *Reformation*, did they not shew their loyalty, by taking an *Oath to the Pope*, for which they were all brought into a *premunire*? Indeed since that time there hath

hath been no occasions to try their loyalty much. In the late differences, it was no great argument for them to adhere to the King against a *Parliament* that had *voted* them out of their seats in *Parliament*, and determined their *extirpation root and branch*.

To make this business short, there's no great fear from the disloyalty of any sort of men, who have no great *revenues* nor *dependencies*. No great dangers of a *Clergy* ( which hath but a livelihood for themselves and families ) to prove disloyal, especially being obnoxious to the same *Laws* that other subjects are, in case of *treason* and *sedition*.

If there be any fear of the *disloyalty* of a *Clergy*, it must be such a one as hath great *revenues*, great *interests* and *dependencies*, great *priviledges in Law*, &c. Take away these things, and they become loyal in course, as to any thing of action. Let these things continue, it is not this or that order or notion will secure their loyalty.

But, Sir, I have done, and it is time; I fear I have tired you with a long discourse. You have my thoughts. If you tell me, *A fools bolt is quickly shot*: I patiently shall bear the censure, only adding, *That it may also sometimes hit the mark perchance*.

*F I N I S.*

---